

1 ANN-MARTHA ANDREWS
2 Nevada Bar No. 7585
3 AAndrews@LRLaw.com
4 LEWIS AND ROCA LLP
5 KRISTINA N. HOLMSTROM
6 Nevada Bar No. 10086
7 KHolmstrom@LRLaw.com
8 3993 Howard Hughes Parkway
Suite 600
Las Vegas, Nevada 89169
(702) 949-8200
(702) 949-8398 (fax)

9 Attorneys for Defendant and Counterclaimant
10 Standard Insurance Company

11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA

13 STEPHANIE THOMAS, an individual,

14 Plaintiff,

15 vs.

16
17 STANDARD INSURANCE COMPANY,
18 an Oregon corporation; WESTERN
19 INSURANCE SPECIALTIES, INC., a
20 Nevada corporation; TIAA-CREF
21 INDIVIDUAL AND INSTITUTIONAL
22 SERVICES, LLC, a Delaware limited
23 liability company; VALIC RETIREMENT
24 SERVICES COMPANY, a Texas
25 corporation, and DOES I-X, and ROE
26 CORPORATIONS I-X, inclusive,

27 Defendants.

28 STANDARD INSURANCE COMPANY,
an Oregon corporation,

Counterclaimant,

Case No. 2:07-cv-00491-GMN-GWF

**ORDER AWARDING ATTORNEYS'
FEES AND COSTS**

vs.

STEPHANIE THOMAS and SAMANTHA
MARY THOMAS,

Counterdefendants.

TEACHERS INSURANCE AND
ANNUITY ASSOCIATION OF
AMERICA COLLEGE RETIREMENT
EQUITY FUND,

Counterclaimant.

vs.

STEPHANIE THOMAS, an individual,

Counterdefendant.

Pursuant to the Court's Order to Show Cause, the hearing held on August 12, 2011, the defendants' summary judgment motions, the fee itemization provided by Defendants Standard Insurance Company and VALIC Retirement Services Plan, and good cause otherwise appearing,

IT IS HEREBY ORDERED that plaintiffs' counsel, Roger Croteau and Tim Rhoda are jointly and severally liable for the attorneys' fees incurred by Defendants Standard Insurance Company and VALIC Retirement Services Plan. The Court finds that Mr. Croteau and Mr. Rhoda "multiplie[d] the proceedings in [the] case unreasonably and vexatiously" by failing to stipulate to dismiss claims against Standard and VALIC when it became clear those claims had no merit, making an award of attorneys' fees appropriate under 28 U.S.C. § 1927. The Court further finds that the attorneys' fees are awardable under the inherent sanction power of the Court.

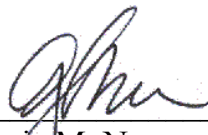
IT IS HEREBY ORDERED that Defendant Standard Insurance Company is awarded attorney's fees in the amount of \$5,042.65. Payment shall be made to Standard Insurance Company by Roger Croteau and Tim Rhoda, and mailed to Standard Insurance

1 Company's attorney, Kristina N. Holmstrom (address above).

2 **IT IS ALSO ORDERED** that Defendant VALIC Retirement Services Plan is
3 awarded attorney's fees in the amount of \$8,329.00 and costs in the amount of \$139.90.
4 Payment shall be made to The Variable Annuity Life Insurance Company ("VALIC") by
5 Roger Croteau and Tim Rhoda, and mailed to VALIC's attorney, Marek P. Bute, Snell &
6 Wilmer L.L.P., 3883 Howard Hughes Parkway, Suite 1100, Suite 1100, Las Vegas, NV
7 89169.

8 **IT IS FURTHER ORDERED** that the Court Minutes from the August 12,
9 2011 hearing and this Order Awarding Attorneys' Fees and Costs shall be served by
10 the Clerk of the Court, via certified mail, return receipt requested, on Roger
11 Croteau and Timothy Rhoda at their addresses of record.
12

13 **DATED** this 24th day of August, 2011.

14
15 
16 _____
17 Gloria M. Navarro
18 United States District Judge
19
20
21
22
23
24
25
26
27
28